

December 26, 2019

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**VIA ECF**United States District Court  
Southern District of New York  
40 Foley Square, Room 240  
New York, New York 10007

Attn: Honorable Valerie Caproni

**Re: *Travelers Casualty and Surety Company of America v. Cohen Weiss and Simon LLP, et al.*, Case No. 19-CV-7297 (VEC)**  
**Request for Extension to File Travelers' Motion to File Amended Complaint**

Dear Judge Caproni:

Plaintiff, Travelers Casualty and Surety Company of America ("Travelers") respectfully requests that Your Honor extend the deadline to today (or as soon as the Court may address this request) for Travelers to file its Motion for Leave to File Amended Complaint ("Motion to Amend"), which is for the purpose of adding a claim for reimbursement of defense expenses in the event of policy rescission. Defendants do not oppose this extension of time.

At the December 13, 2019 Initial Pretrial Conference, I indicated to the Court that Travelers would be in a position to file its Motion to Amend by Friday December 20, 2019, and the Court included that date in its December 13, 2019 Order regarding briefing schedules (Dkt. 57).<sup>1</sup> Due to press of other matters, staffing and scheduling conflict issues, we were unable to file the Motion to Amend on December 20, 2019, but the motion and proposed Amended Complaint were ready for service and filing by Monday, December 23, 2019. As the Defendants' counsel was not available on December 23<sup>rd</sup> to advise whether they had any opposition to this request for extension, we did not send this request to you then, but instead served (without filing) the Motion to Amend and proposed Amended Complaint on the Defendants at that time, so that the briefing schedule the Court set for the Motion to Amend would not be impacted. Your Honor built in extra response time for the Defendants to respond to the Motion to Amend in light of the intervening holidays, with their response due January 17, 2020 and Travelers' reply due January 24, 2020. Therefore, the short extension for filing the Motion to Amend will not prejudice any party, as Defendants have already been served with the papers.

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<sup>1</sup> The Civil Case Management and Scheduling Order (Dkt. 56), also dated December 13, 2019, separately indicates, per the parties' proposal, that motions to amend pleadings are to be filed by January 13, 2020.



This is Travelers' first request for extension of this deadline.

Please do not hesitate to have your clerk contact us if you have any questions or need anything further with respect to this request.

Very truly yours,

A handwritten signature in black ink that reads 'Christopher J. Bannon'.

Christopher J. Bannon

cc: All Counsel of Record (via ECF)

4837-6439-0237, v. 1

Application GRANTED. Plaintiff's motion for leave to file its Amended Complaint must be filed by close of business on **December 26, 2019**.

SO ORDERED.

A handwritten signature in blue ink that reads 'Valerie Caproni'.

12/26/2019

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE